

Attorney Docket No. 65961-0054

PATENT**REMARKS**

Claims 1-10, 15, 16 and 21-23 are pending in this application. By this Amendment, Claims 1, 6, 8-10 and 16 are amended, Claims 11-14 and 17-20 have been canceled, and Claims 21-23 are added. Favorable reconsideration is respectfully requested in light of the following Remarks.

1. The Office action objects to the drawings asserting that the feature of the different thickness of Claim 3 must be shown. By this Amendment, a new Figure 5 showing the bumper beam with the different thickness is attached hereto. Withdrawal of the objection is respectfully requested.

2. The Office action rejects Claims 8-20 under 35 U.S.C. §112, second paragraph asserting that these claims are indefinite, confusing and lack antecedent basis. By this Amendment, Claim 8 is amended to recite the feature of the second portion including two generally C-shaped sections, each C-shaped section having two legs and a back positioned between the two legs. By this Amendment, Claim 9 is amended to recite the feature of the second portion further including a connecting segment positioned between said two generally C-shaped sections.

It is respectfully submitted that Claims 8 and 9 satisfy the requirements of 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is respectfully requested.

With respect to Claim 10, the Office action asserts that Claim 10 is not limiting. Applicant respectfully disagrees with this assertion. Applicant asserts that Claim 10 further limits Claim 8 by reciting the feature of at least one of the two legs of one of said two generally C-shaped sections extends generally orthogonal with respect to the back. Withdrawal of the rejection is respectfully requested.

With respect to Claims 11 and 12, by this Amendment, these claims are canceled, thereby rendering the rejection moot. Withdrawal of the rejection is respectfully requested.

3. The Office action rejects Claims 1-2 and 6-7 under 35 U.S.C. §102(b) over Golze et al. (U.S. Patent No. 3,779,502, hereinafter "Golze"), Claims 1-3 and 6-7 under 35 U.S.C. §102(b) over Carpenter (U.S. Patent No. 5,154,462, hereinafter "Carpenter") and

(Amendment Under 37 CFR §1.111—Page 7 of 10)

Attorney Docket No. 65961-0054

PATENT

Himsl (U.S. Patent No. 6,360,441, hereinafter "Himsl"). The rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference. *See MPEP §2131*. Contrary to the Office Action that all of the elements of Claim 1 are disclosed in Golze, Carpenter and/or Himsl, at least the feature a first portion having a first end and a second end, and a second portion comprising a second material having a first end abutting said first end of said first portion and a second end abutting said second end of said first portion, is not disclosed, taught or suggested in Golze, Carpenter and/or Himsl, so the rejection is unsupported by the art and should be withdrawn.

For at least this reason, Claim 1 is allowable over the applied art. Claims 2, 3, 6 and 7, which depend from Claim 1, are likewise allowable over the applied art. Withdrawal of the rejection is respectfully requested.

4. The Office action rejects Claim 3 under 35 U.S.C. §103(a) over Golze in view of Stewart et al. (U.S. Patent No. 6,000,738, hereinafter "Stewart"), Claim 4 under 35 U.S.C. §103(a) over any one of Golze, Carpenter or Himsl in view of Glance (U.S. Patent No. 5,779,991, hereinafter "Glance"), and Claim 5 under 35 U.S.C. §103(a) over any one of Golze, Carpenter or Himsl. The rejections are respectfully traversed.

Claims 3, 4 and 5 depend from Claim 1, which specifies, *inter alia*, a first portion having a first end and a second end, and a second portion comprising a second material having a first end abutting the first end of the first portion and a second end abutting the second end of the first portion.

It is respectfully submitted that the combination of Golze, Carpenter, Himsl and Stewart does not disclose, teach or suggest all the claim limitations, as recited in Claim 1. Specifically, it is respectfully submitted that at least the feature of a first portion having a first end and a second end, and a second portion comprising a second material having a first end abutting said first end of said first portion and a second end abutting said second end of said first portion, is not disclosed, taught or suggested in the applied art. Because the combination of the cited references does not teach all the claim limitations, as recited in

(Amendment Under 37 CFR §1.111--Page 8 of 10)

Attorney Docket No. 65961-0054

PATENT

Claim 1, the Office action fails to establish a *prima facie* case of obviousness. See *MPEP* §2143.

For at least this reason, Claims 4, 5 and 6 are allowable over the applied art, taken singly or in combination. Withdrawal of the rejection is respectfully requested.

5. The Office action rejects Claims 8-20 under 35 U.S.C. §103(a) over Carpenter or Himsl in view of Sturuss (U.S. Patent No. 5,813,594, hereinafter "Sturuss"). The rejection is respectfully traversed.

Claims 8-10 and 15 depend from Claim 1. As mentioned above, there is no mention in Carpenter or Himsl of at least the feature of a first portion having a first end and a second end, and a second portion comprising a second material having a first end abutting the first end of the first portion and a second end abutting the second end of the first portion, as recited in Claim 1.

It is respectfully submitted that there is no mention in Sturuss of at least this feature, and thus Sturuss adds nothing to overcome the shortcomings of Carpenter and Himsl. Because the combination of the cited references does not teach all the claim limitations, as recited in Claim 1, the Office action fails to establish a *prima facie* case of obviousness. See *MPEP* §2143.

Independent Claim 16 specifies, *inter alia*, a bumper beam comprising a first portion having a generally C-shaped cross-section and comprising a first material, and including a back and two legs extending orthogonally therefrom, and a second portion comprising a second material and including two generally C-shaped sections, each C-shaped section having two legs and a back positioned between the two legs. The second portion further includes a connecting segment positioned between said two generally C-shaped sections, wherein said first portion is attached to the second portion, and wherein the first material of the first portion has a different material property than the second material of the second portion.

It is respectfully submitted that at least this feature is not disclosed, taught or suggested in the applied art, taken singly or in combination.

(Amendment Under 37 CFR §1.111--Page 9 of 10)

Attorney Docket No. 65961-0054

PATENT

New independent Claim 21 specifies, *inter alia*, a bumper beam comprising a first portion having a generally C-shaped cross-section and comprising a first material, and including a back and two legs extending orthogonally therefrom, and a second portion comprising a second material, and including two generally C-shaped sections integrally joined to each other, each C-shaped section having two legs and a back positioned between the two legs, wherein one of the two legs of one of the two generally C-shaped sections is integral with one of the two legs of the other one of the two generally C-shaped sections to form one extended segment between each C-shaped section, wherein the first portion is attached to the second portion, and wherein the first material of the first portion has a different material property than the second material of the second portion. It is respectfully submitted that at least this feature is not disclosed, taught or suggested in the applied art, taken singly or in combination.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

Should the Examiner believe anything further would be desirable in order to place the application in better condition for allowance; the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge deposit account number 503145 in the name of Honigman Miller Schwartz and Cohn LLP.

Dated: May 24, 2004

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Attachment

Respectfully submitted,


SIGNATURE OF PRACTITIONERPeter J. Rashid, Reg. No. 39,464
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(Amendment Under 37 CFR §1.111--Page 10 of 10)